

Department of Ecology Guidance on Meeting Coast Guard, EPA, and State Requirements for Discharges from Oily Water Separators while in Washington State Waters

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United States Coast Guard (USCG) treatment requirements for Oily Water:

The USCG requires treatment of oily water (bilge or fuel tank ballast) with an Oily Water Separator capable of achieving an oil content of less than 15 ppm in the discharge and otherwise meeting the design specifications in 46 CFR 162.050.

EPA does not add to the USCG requirements for Oily Water:

USEPA references the USCG Oily Water Separator standard in the Vessel General Permit (VGP). As long as your treatment meets the USCG standard, you may discharge to state waters, including while in port.

The VGP requires compliance with state laws and state water quality standards:

VGP section - 1.11 State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by section 510 of the Clean Water Act.

VGP section - 2.3.1 Water Quality-Based Effluent Limitations

Your discharge must be controlled as necessary to meet applicable water quality standards in the receiving waterbody or another waterbody impacted by your discharges.

EPA generally expects that compliance with the other conditions in this permit, including Parts 2.1, 2.2, and 5, will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective actions as required in Part 3; you must also report the exceedance(s) to EPA as required in Parts 1.13 and 4.4.1.

The most pertinent provisions of state law are:

RCW 90.48.080 Discharge of polluting matter in waters prohibited

It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter.

RCW 90.48.020 Definitions

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid,

gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Implications of these state laws:

As described above, RCW 90.48.080 forbids discharges which cause pollution as defined in RCW 90.48.020. Creating an oil sheen, for example, would meet the definition of pollution. (In addition, the federal regulation at 40 CFR Part 110.3 defines oil discharges as harmful when they violate applicable water quality standards or cause a visible sheen, film, sludge, or emulsion on/in the water or on the shoreline.) If an Oily Water Separator meets USCG standards and causes no sheen or other sign of pollution as defined in RCW 90.48.020, it will be in compliance with state law.

The VGP is only in effect out to 3 nm. State waters extend further than 3 nm in places. The definition of waters of the state where they extend beyond 3 nm is:

Article XXIV of the Washington State Constitution defines the state boundary with Canada in marine waters to run along the 49th parallel from land west to longitude 123 degrees, 19 minutes, 15 seconds west (about midway from shore to Vancouver Island) and from there along the international boundary to a point equidistant between Bonilla Point on Vancouver Island and the Tatoosh Island lighthouse. The state boundary then runs south from this point.

EPA contact for reporting noncompliance:

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